

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ADRIAN PALACIOS,

Petitioner,

vs.

No. CIV 19-1088-MV-GBW
No. CR 18-3898-MV-GBW

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER
ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION


This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (“PFRD”) (*doc. 10*), recommending that the Court deny Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (*doc. 1*) and dismiss all claims with prejudice.

This case was referred to the Magistrate Judge to conduct hearings and perform legal analysis pursuant to 28 U.S.C. § 636(b)(1)(B), (b)(3) and *Va. Beach Fed. Savings & Loan Ass’n v. Wood*, 901 F.2d 849 (10th Cir. 1990). *See doc. 8*. The Magistrate Judge filed his PFRD recommending dismissal on June 26, 2020. *Doc. 10*. Neither Petitioner nor Respondent filed objections to the Magistrate Judge’s PFRD within the allotted time. Appellate review of these issues is therefore waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996).

Failure to object to the PFRD also waives the right to *de novo* review by the district court. *See id.* at 1060; *Thomas v. Arn*, 474 U.S. 140, 149–150 (1985). Nevertheless, the Court elected

to conduct a *de novo* review of the Magistrate Judge's findings in this case. *See One Parcel*, 73 F.3d at 1061. The Court hereby concurs with all of the factual and legal conclusions recited therein.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 10*) are ADOPTED. Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (*doc. 1*) is DENIED, and this case is DISMISSED WITH PREJUDICE.



MARTHA VÁZQUEZ
UNITED STATES DISTRICT JUDGE